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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,577	02/12/2004	Shaibal Roy	ID-493 (80216)	5997

89137 7590 09/09/2011

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ART UNIT	**PAPER NUMBER**
2165	

NOTIFICATION DATE	DELIVERY MODE
09/09/2011	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHAIBAL ROY and DAVID JAMES CLARKE

Appeal 2009-012250
Application 10/777,577
Technology Center 2100

Before DENISE M. POTHIER, GREGORY J. GONSALVES, and ERIC B. CHEN, *Administrative Patent Judges*.

GONSALVES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the rejection of claims 1, 3-13, 15-17, 19-21, 23-25, 27, and 28. (App. Br. 2.) Claims 2, 14, 18, 22, and 26 have been cancelled. (*Id.*) We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The Disclosed Invention[1]

The disclosed invention includes a communication system comprising data storage devices (16, 18, and 20), a mobile wireless communication device (11), and a protocol interface device (14). (Spec. ¶ [0033]; FIG. 1.) The protocol interface device includes a front-end proxy module 30 and a protocol engine module 32. (Spec. ¶¶ [0040] and [0041]; FIG. 2.)

"The front end proxy module illustratively includes proxy modules 34, 36, 38, 40 which respectively support the Wireless Application Protocol (WAP), the Post Office Protocol (POP), the Internet Message Access Protocol (IMAP), and the Hypertext Transfer Protocol (HTTP) for communication with clients." (Spec. ¶ [0040]; FIG. 2.) The protocol engine module 32 translates Outlook Web Access, Microsoft Messaging Application Programming Interface, and "the proprietary protocol of the mail system 28 (and other protocols, if desired) into a format compatible with the front-end proxy module 30." (Spec. ¶ [0041]; FIG. 2.)

Exemplary claim 1 follows:

1. A communications system comprising:

[1] The ensuing description constitutes findings of fact designated as FF 0.

a plurality of electronic mail (email) data storage devices each using at least one of a plurality of different operating protocols;

a plurality of mobile wireless communications devices for accessing said email data storage devices and each using at least one of the plurality of different operating protocols; and

a protocol interface device comprising

a front-end proxy module for communicating with said plurality of mobile wireless communications devices using respective operating protocols, and

a protocol engine module for communicating with said plurality of email data storage devices using respective operating protocols,

said front-end proxy module and said protocol engine module communicating using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and cooperating to aggregate email messages from said email data storage devices to respective mobile wireless communications devices.

The Examiner rejected claims 1, 3-13, 15-17, 19-21, 23-25, 27, and 28 as being obvious under 35 U.S.C. § 103(a) based on Kirani (US Patent Publication 2002/0016818 A1) and Gresham (US Patent Publication 2002/0160773 A1). (Ans. 3-19.)

ISSUE

Appellants' responses to the Examiner's positions present the following issue:

Did the Examiner establish that Kirani teaches "a plurality of electronic mail (email) data storage devices each using at least one of a plurality of different operating protocols" and "a protocol engine module for communicating with said plurality of email data storage devices using respective operating protocols," as recited in claim 1, and as similarly recited in claims 13, 17, 21, and 25?

FINDINGS OF FACT (FF)

Kirani

1. Kirani discloses "[a]n email system that re-packages message attachments optimized for delivery to wireless handheld devices." (Abstract.)

2. The system re-packages attachments based on the capabilities of the wireless handheld device:

> In cases wherein the capabilities of the client device are determined by database records of antecedent user interactions and where the user uses multiple types of client devices to receive messages from the system, the present invention applies a transformation of the current attachment that corresponds to the least capable in the set of those multiple devices. When applying a protocol allowing determination of recipient device type (e.g., Wireless Application Protocol (WAP)), the present invention may automatically perform the optimum transformation/formatting specific to the targeted type of device, thereby rendering user input unnecessary. In such a WAP-enable embodiment, if the user used several types of client devices to receive e-mail, the system is capable of automatically delivering and storing multiple formats of all the multimedia attachments.

(¶ [0039].)

ANALYSIS

Issue - Claims 1, 3-13, 15-17, 19-21, 23-25, 27, and 28

Appellants assert that Kirani "fails to disclose a plurality of email data storage devices each using at least one of a plurality of different operating protocols, as recited in independent Claim 1, for example" (App. Br. 9 (emphasis omitted).) The Examiner found that paragraphs [0037-0039] and [0065] of Kirani teach the plurality of email data storage devices having different operating protocols. But claim 1 also recites "a protocol engine module for communicating with said plurality of email data storage devices using respective operating protocols." And the paragraphs of Kirani cited by the Examiner do not pertain to the operating protocols for communicating between the protocol engine module and the email data storage devices. (App. Br. 9-10; FF. 2.) Rather, they pertain to communication involving the wireless communication devices. (App. Br. 9-10; FF. 2.)

Therefore, we will not sustain the Examiner's rejection of independent claims 1, 13, 17, 21, and 25, or the rejections of the claims dependent therefrom (*i.e.*, claims 3-12, 15-16, 19-20, 23-24, and 27-28).

DECISION

We reverse the Examiner's decision rejecting claims 1, 3-13, 15-17, 19-21, 23-25, 27, and 28.

REVERSED

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